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DATE: January 13, 2005 **TIME:** _____

TO: Commissioner for Patents **YOUR REF:** 10/707,849

FROM: James T. Cronvich **OUR REF:** 2188.1

BY: James T. Cronvich **FAX:** 703-872-9306

TOTAL # OF PAGES (INCLUDING THIS PAGE) : 4

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Contents:

1. Transmittal Form w/ Cert. of Transmission
2. Response (2 pages)

*James T. Cronvich
Reg. 33163*

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PTO/SB/21 (02-04)

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**TRANSMITTAL
FORM**

(To be used for all correspondence after initial filing)

TRANSMITTAL FORM (To be used for all correspondence after initial filing)	Application Number	10/707,849	
	Filing Date	01/16/2004	
	First Named Inventor	CORLEY	
	Art Unit	3651	
	Examiner Name	HESS, Douglas	
Total Number of Pages in This Submission	3	Attorney Docket Number	Z188.1

Total Number of Pages in This Submission

3

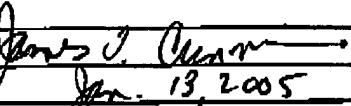
Attorney Docket Number

Z188.1

ENCLOSURES (Check all that apply)

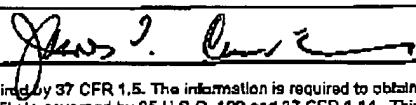
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<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation	<input type="checkbox"/> Status Letter
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SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	James T. Cronvich Reg. 33163
Signature	
Date	Jan. 13 2005

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Signature	
Date	Jan. 13 2005

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IN THE UNITED STATES PATENT & TRADEMARK OFFICE

In re the application of:

Andrew A. Corley et al.

Docket No.: 2188.1

Serial Number: 10/707,849

Examiner: Douglas A. Hess

Filed: 01/16/2004

Group Art Unit: 3651

FOR: MODULAR CONVEYOR BELTS WITH SPLIT BELT MODULES

Response to Office Action

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This timely responds to the Office Action dated October 21, 2004, in which the Examiner rejected claims 1-3, 5-9, 11-16, and 18 under 35 U.S.C. § 102(e) as being anticipated by Costanzo et al. (US 6,571,937). The Examiner objected to claims 4, 10, and 17. Claims 1-18 remain in the application. Applicant traverses the rejection.

The reference, US 6,571,937, issued on June 3, 2003 from an application filed on September 13, 2002. Applicants' current application is a divisional of US Serial No. 09/992,765, filed on November 6, 2001, as specifically referenced according to 37 C.F.R. § 1.78(a), in the Cross Reference to Related Applications and in the Continuing Data section of the Application Data Sheet filed with this application. The parent application, US Serial No. 09/992,765, issued as US Patent No. 6,681,922 on January 27, 2004. This application and its parent were co-pending from January 16, 2004, the filing date of this application, until January 27, 2004, the issue date of the parent. Furthermore, at least one of the inventors on the parent application is an inventor on

this application. Consequently, because the perfected priority claim under 35 U.S.C. § 120 entitles this application to an effective filing date of November 6, 2001, which is prior to the § 102(e) reference's effective date of September 13, 2002, the rejection of all the claims under 35 U.S.C. § 102(e) is improper and should be withdrawn.

Because this response is being filed within three months of the Office Action, no fee should be due. If, however, a fee is due, authorization to charge that fee to Deposit Account 12-0090 is given.

Respectfully submitted,
Andrew A. Corley et al.

Date:

Jan. 13, 2005

By:


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